



Social Care Charges (Wales) Measure 2010

2010 nawm 2

5 Duty to carry out a means assessment

- (1) Where each of the conditions in section 6 is met, a local authority must carry out an assessment of the financial means of a person who requests such an assessment.
- (2) But a local authority is under no duty to carry out a means assessment under subsection (1)—
 - (a) in such cases as may be specified in regulations made by the Welsh Ministers;
or
 - (b) if the authority is relieved of that duty under subsection (5).
- (3) A means assessment under subsection (1) must be carried out in accordance with regulations made by the Welsh Ministers.
- (4) The provision that may be made by regulations under subsection (3) includes (but is not limited to) provision applying any other statutory means testing regime as it has effect from time to time, subject to any modifications specified in the regulations.
- (5) Unless regulations made by the Welsh Ministers make provision to the contrary, a local authority has no duty to carry out a means assessment under subsection (1) if—
 - (a) a determination made by the authority under section 7(1) or 9(1) has effect;
 - (b) the person who is the subject of the determination requests that the authority carry out a means assessment under subsection (1);
 - (c) the request relates to a service to which the determination relates; and
 - (d) the authority reasonably considers that there has been no relevant change of circumstance since the determination was made.